

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING	)	
PHARMACY, INC. PRODUCTS	)	MDL No. 2419
LIABILITY LITIGATION	)	
Plaintiffs,	)	Docket No. 1:13-md-2419 (RWZ)
	)	
This document relates to:	)	
	)	
Armetta, et al. v. Box Hill Surgery Center,	)	
LLC, et al.	)	
No. 1:14-cv-14022-RWZ	)	
	)	
Bowman, et al. v. Box Hill Surgery Center,	)	
LLC, et al.	)	<b><u>PLAINTIFFS' MOTION FOR LEAVE</u></b>
No. 1:14-cv-14028-RWZ	)	<b><u>TO APPEAR VIA TELEPHONE AT</u></b>
	)	<b><u>JULY 14, 2016, MOTION HEARING</u></b>
Davis, et al. v. Box Hill Surgery Center, LLC,	)	
et al.	)	
No. 1:14-cv-14033-RWZ	)	
	)	
Dreisch, et al. v. Box Hill Surgery Center,	)	
LLC, et al.	)	
No. 1:14-cv-14029-RWZ	)	
	)	
Farthing, et al. v. Box Hill Surgery Center,	)	
LLC, et al.	)	
No. 1:14-cv-14036-RWZ	)	
	)	
Kashi, et al. v. Box Hill Surgery Center, LLC,	)	
et al.	)	
No. 1:14-cv-14026-RWZ	)	
	)	
Torbeck, et al. v. Box Hill Surgery Center,	)	
LLC, et al.,	)	
No. 1:14-cv-14023-RWZ	)	

Plaintiffs, by their undersigned counsel, hereby move for this Court to allow attorney Patricia J. Kasputys to appear via telephone at the July 14, 2016 Motion Hearing before the Honorable Jennifer C. Boal, for reasons explained below.

1. Counsel for non-party Barbara Wagner, Ashley L. Marucci, filed a Motion for

Protective Order as to Plaintiffs' Notice of Deposition Duces Tecum of Barbara Wagner [Dkt 2953, 2927]. Ms. Wagner's counsel has also filed a motion for leave to appear by telephone [Dkt 2963], as has Greg Kirby, counsel for the Box Hill Defendants [Dkt 2964].

2. Plaintiffs' attorney, Patricia J. Kasputys is located in Maryland. Although Ms. Kasputys has been admitted to practice *pro hac vice* on a limited basis before this Court in the MDL proceedings, it would place an undue burden and expense for Ms. Kasputys to be required to travel to Massachusetts for the scheduled hearing on the Motion for Protective Order.

3. Accordingly, Ms. Kasputys respectfully requests to appear for the hearing to address the Motion for Protective Order via telephone before Judge Jennifer C. Boal on July 14, 2016, at 3:30 p.m.

WHEREFORE, Plaintiffs respectfully request that the undersigned counsel be permitted to appear via telephone during the July 14, 2016 hearing on non-party Barbara Wagner's Motion for Protective Order, and request such other relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

/s/ Patricia J. Kasputys  
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*Attorneys for Plaintiffs Armetta, Bowman,  
Davis, Dreisch, Farthing, Kashi, Torbeck  
et al.*

**CERTIFICATE OF SERVICE**

I, Patricia J. Kasputys, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the defendants in the above-referenced individual cases, and will be sent to these parties by operation of the CM/ECF system.

Dated: July 6, 2016

/s/ Patricia J. Kasputys

Patricia J. Kasputys

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY, INC. PRODUCTS  
LIABILITY LITIGATION  
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) Bowman, et al. v. Box Hill Surgery Center,  
) LLC, et al.  
) No. 1:14-cv-14028-RWZ

) **ORDER GRANTING PLAINTIFFS'**  
) **MOTION TO APPEAR VIA**  
) **TELEPHONE AT JULY 14, 2016,**  
) **MOTION HEARING**

)  
) Davis, et al. v. Box Hill Surgery Center, LLC,  
) et al.  
) No. 1:14-cv-14033-RWZ

)  
) Dreisch, et al. v. Box Hill Surgery Center,  
) LLC, et al.  
) No. 1:14-cv-14029-RWZ

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) et al.  
) No. 1:14-cv-14026-RWZ

)  
) Torbeck, et al. v. Box Hill Surgery Center,  
) LLC, et al.,  
) No. 1:14-cv-14023-RWZ

)  
) Handy v. Box Hill Surgery Center, LLC, et al.  
) No. 1:14-cv-14019-RWZ

The Court, having considered Plaintiffs' Motion, and good cause appearing therefor,

IT IS this \_\_\_\_\_ day of \_\_\_\_\_, 2016, ORDERED that Plaintiffs'

Motion for Leave to Appear via Telephone at the July 14, 2016, 3:30 p.m. Motion Hearing scheduled by this Court is hereby GRANTED.

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JENNIFER C. BOAL  
CHIEF MAGISTRATE JUDGE  
U.S. DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS